	Case 4:05-cv-05434-CW	Document 35	Filed 03/28/2007	Page 1 of 2
1	PAMELA Y. PRICE, ESQ. (STATE BAR NO. 107713)			
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5	Attorneys for Plaintiff JOHN EARL CAMPBELL			
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7				
8	IN THE UNITED STATES DISTRICT COURT			
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA			
10	TOR THE WORTHERW DISTRICT OF CALLS OR WIT			
11				
12				
13	JOHN EARL CAMPBELL,		NO. C05-5434 MJJ	(EDL)
14	Plaintiff,	) )	[PROPOSED] OR PRODUCTION O	DER COMPELLING F DOCUMENTS AND
15	V.	) )	ENLARGING TIN WITNESS DISCO	ME FOR NON-EXPERT VERY
	NATIONAL PASSENGER RAILROAD ) CORPORATION dba AMTRAK, JOE )			
	DEELY, and DOES 1-15, inc	lusive, )		
18	Defendants.	)		
19 20				
20	This matter came on regularly for hearing on April 17, 2007, before the Honorable			
22	Magistrate Judge Elizabeth D. LaPorte, pursuant to Plaintiff JOHN EARL CAMPBELL's Motion  To Compel Production of Decements and Enlarge Time for Non-Expert Witness Discovery			
23	To Compel Production of Documents and Enlarge Time for Non-Expert Witness Discovery.  Attorney Pamela Y. Price of Price And Associates appeared on behalf of Plaintiff JOHN EARL			
24	CAMPBELL; Attorney Kathleen Maylin appeared on behalf of Defendants NATIONAL			
25	PASSENGER RAILROAD CORPORATION ("AMTRAK") and JOE DEELY.			
26	The Court having read and considered Plaintiff's Motion and the opposition			
27	thereto, and having heard and considered the arguments of counsel, and good cause appearing			
	therefore,			
1143P213PYP	-1- ORDER COMPELLING DISCOVERY RESPONSES (C05-5434 MJJ (EDL))			

1 IT IS HEREBY ORDERED THAT Plaintiff's motion is granted. The Court 2 finds that Defendant AMTRAK's failure to serve a timely and complete response to MR. 3 CAMPBELL's written discovery was unreasonable within the meaning and spirit of the Federal 4 Rules and the information sought is relevant to the subject matter of this dispute and reasonably 5 calculated to lead to the discovery of admissible evidence. (Ceramic Corp. of America v. Inka 6 Maritime Corp., 163 F.R.D. 584, 589 (C.D.Cal. 1995); Garrett v. City and County of San 7 Francisco, 818 F.2d 515, 1519 n. 6 (9th Cir. 1987); Heyne v. Caruso, 69 F.3d 1475, 1469-1481 8 (9th Cir. 1994); Morgan v. National Passenger Railroad Corporation, 232 F.3d 1008, 1018 (9th Cir. 2000), affirmed in part and reversed in part on other grounds in National Railroad 10 Passenger Corporation v. Morgan, 536 U.S. 101, 122 S.Ct. 2061, 2074 (2002). 11 The Court finds that Defendant AMTRAK waived its objections to Plaintiff's 12 discovery requests by its failure to serve a timely response and its failure to comply with Rules 13 26(b)(5) and Rule 34 of the Federal Rules of Civil Procedure. The Court further finds that there 14 is good cause to enlarge the time for thirty-five (35) days after the Defendants' further production 15 date for MR. CAMPBELL to complete his discovery. Defendant shall produce the documents 16 and serve a complete Supplemental Response to MR. CAMPBELL's First Request for Production 17 of Documents within ten (10) days from the date of this Order. 18 IT IS SO ORDERED. 19 20 Dated: ON. ELIZABETH D. LAPORTE 21 UNITED STATES MAGISTRATE JUDGE 22 23 24 25 26 27

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